

TITLE 7 - AGRICULTURE

CHAPTER XVIII - FARMERS HOME ADMINISTRATION
DEPARTMENT OF AGRICULTURE

SUBCHAPTER S - PERSONNEL

PART 2045 - GENERAL

SUBPART CC - POLITICAL ACTIVITY AND
HOLDING STATE OR LOCAL OFFICES

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Exhibit A - Localities exempted from restrictions on political activity

PART 2045 - GENERAL

SUBPART CC - POLITICAL ACTIVITY AND
HOLDING STATE OR LOCAL OFFICES

§2045.1401 General.

Farmers Home Administration (FmHA) employees must meet all laws and regulations on political activity and holding of public office.

§2045.1402 Coverage.

Political activity restrictions apply to the following FmHA personnel.

- (a) Permanent, temporary, and emergency employees. The restrictions apply even while employees are on leave.
- (b) County and Area Committeemen. The restrictions apply 24 hours for any day of employment. Including:
 - (1) Committeemen must not hold or be elected to partisan public offices.
 - (2) They must take no part in partisan political campaigns.
 - (3) All political activity is checked as shown in Subpart W of Part 2045. These factors apply equally to the time before and after appointments.
- (c) Other part-time or intermittent employees. All restrictions apply 24 hours of any day of active employment only.

§2045.1403 Exemptions.

Political activity restrictions do not apply to employees appointed by the President.

§2045.1404 Conflict of interest and outside employment (Subpart BB of this Part), Exhibit A.

Political activity or holding of state or local office is not allowed when there is a conflict of interest with the employee's FmHA duties (see §2045.1410).

§2045.1405 Definitions.

- (a) Political Party - a National or State political party, and any affiliated organization.

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Personnel
General

- (b) Election - a primary, special, or general election.
- (c) Nonpartisan election.
 - (1) An election at which no one of the candidates represents a political party whose candidates for presidential elector received votes in the preceding election; and
 - (2) An election involving an issue which is not identified with a political party, for example, a constitutional amendment, or referendum.
- (d) Partisan - relates to a political party.

§2045.1406 Permissible activities.

Employees can do the following activities:

- (a) Register and vote;
- (b) Give opinions on political issues and candidates;
- (c) Wear political pictures or put stickers on an automobile if:
 - (1) They wear no political material while on official duty; and the
 - (2) automobile shows no political material when used for official Government duty;
- (d) Show political material on their homes or lawns;
- (e) Take part in nonpartisan activities;
- (f) Be a member of a political party or other political organization and take part in its activities to the extent allowed by law;
- (g) Be at a political convention, rally, fund-raising meeting or other political meeting;
- (h) Sign a political petition as an individual;
- (i) Contribute money to a political party or organization;
- (j) Take part as an independent candidate or help an independent candidate in a partisan election covered by §2045.1409:

- (k) Take part as a candidate or help a candidate in a nonpartisan election;
- (l) Be active on political issues not identified with a political party, for example a constitutional amendment, or referendum;
- (m) Be a nonpartisan election judge or clerk and perform other nonpartisan duties as given by State and local law;
- (n) Write a letter to the editor of a local newspaper, giving opinions on a partisan issue, but not asking for votes; and
- (o) Take a part in public affairs as long as it does not interfere with official duty.

§2045.1407 Prohibited activities.

An employee who takes part in restricted political activity must be removed and cannot be employed again in any position which is paid from the same funds. If all three commissioners of the United States Civil Service Commission vote for a lesser penalty, the penalty is at least 30-day suspension without pay. Under the Department of Agriculture Appropriation Act, no agency of the Department can employ an employee found guilty in court of violating the political activity restrictions. An employee must not use his official position for political purposes or in elections. Prohibited activities include:

- (a) Serving as an officer of a political party, a member of a national, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;
- (b) Organizing or reorganizing a political party organization or club;
- (c) Taking part in financial activities for a partisan political purpose;
- (d) Taking part in fund-raising for political purposes;
- (e) Managing a political campaign for partisan candidates;
- (f) Being a partisan candidate for an elective public office;
- (g) Asking for votes in partisan elections;
- (h) Being a partisan officer at the polls;
- (i) Taking voters to the polls for a political party or partisan candidate. Car pools can stop at the polls on the way to or from work so that the car pool members can vote.

- (j) Publicly endorsing or opposing a partisan candidate for public or party office;
- (k) Serving as a delegate, alternate, or proxy to a political party convention;
- (l) Addressing any political meeting in support of or in opposition to a partisan candidate for public or party office;
- (m) Writing or circulating a partisan nominating petition;
- (n) Working for a partisan candidate as a volunteer even in private. Under the law, employees must not directly help a partisan candidate or political party, for example, work as a clerk at a campaign headquarters, write campaign speeches or put campaign or political literature in envelopes;
- (o) Asking for or getting political contribution from another employee;
- (p) Giving or handing over of a political contribution by one employee to another;
- (q) Asking for or getting political contributions in a Federal building or office by any person;
- (r) Asking for or getting political contributions from any person receiving relief benefits under an act of Congress;
- (s) Asking for or getting any payment for help or promise to help in getting a Federal job;
- (t) Paying, or offering to pay, for help or promise to help in getting a Federal job;
- (u) Promising any benefit made possible by an act of Congress as reward for political activity;
- (v) Discrimination against or in favor of another officer or employee because of political contributions;
- (w) Denying any person any relief benefit under an act of Congress because of race, creed, color, sex, or political activity; and
- (x) Making public any list of persons getting relief benefits under an act of Congress or getting this list, for political purposes.

§2045.1408 Activity through another person.

Any political activity which an employee must not do personally, he must not do through another person. Employees are accountable for political activity for them by other persons, including wives or husbands. But an employee's husband or wife may go into politics independently.

§2045.1409 Exemption of certain localities from restrictions on political activity.

(a) The U.S. Civil Service Commission may decide that, because of special circumstances or because most of the voters in the municipality are Federal employees, the employees may take part in local elections. Then it names a municipality or political subdivision in Maryland or Virginia near the District of Columbia or in some other place an exempted locality that is a place to which political activity restrictions do not apply. The list of exempted localities is given in Exhibit A.

(b) An employee who lives in an exempted locality may take an active part in political campaigns and political management in local partisan elections, but

(1) Only as an independent candidate or for, or against, an independent candidate;

(2) Running for and holding an elective office must not interfere with the employee's Federal duties or create a conflict of interests.

§2045.1410 Accepting and holding State and local offices.

Sometimes FmHA employees also want to hold jobs with the state or local Government, or state or local employees want to hold jobs with FmHA. Employees can hold nonpartisan local offices if there is no conflict of interest. But no employee, including a County or Area Committeeman, can hold a job affecting FmHA matters. For example, no employee can serve on a zoning board whose actions can have relation to FmHA-financed housing, or town councils and boards of adjustment or equalization.

§2045.1411 For further information.

Ask your State Director, or the Director, Finance Office, or the Director, Personnel Division, National Office.

§2045.1412 - 2045.1450 (Reserved)

Attachment: Exhibit A.

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LOCALITIES EXEMPTED FROM RESTRICTIONS ON POLITICAL ACTIVITY

The Commission has designated the following municipalities and political subdivisions, in accordance with @2045.1409.

1. In Maryland:

Annapolis
Berwyn Heights
Bethesda
Bladensburg
Bowie
Brentwood
Capitol Heights
Cheverly
Chevy Chase, sections 1 and 2
Chevy Chase, section 3
Chevy Chase, section 4
Martin's addition 1, 2, 3 and
4 to Chevy Chase
Chevy Chase View
College Park
District Heights
Edmonston
Fairmont Heights
Forest Heights
Garrett Park
Glenarden
Glen Echo
Greenbelt
Hyattsville
Kensington
Landover Hills
Montgomery County
Morningside
Mount Rainier
North Beach
North Brentwood
North Chevy Chase
Northwest Park
Prince Georges County
Riverdale
Rockville
Seat Pleasant
Somerset
Takoma Park
University Park
Washington Grove

2. In Virginia:

Alexandria
Arlington County
Clifton
Fairfax County
Town of Fairfax
Falls Church
Herndon
Loudoun County
Portsmouth
Prince William County
Vienna

3. Other Municipalities:

Anchorage, Alaska
Benicia, California
Bremerton, Washington
Centerville, Georgia
Crane, Indiana
Elmer City, Washington
Huachuca City, Arizona
New Johnsonville, Tennessee
Norris, Tennessee
Shrewsbury Township, New Jersey
Sierra Vista, Arizona
Warner Robins, Georgia

